REMARKS

Claims 1, 6, 7-11 and 14-19 are currently active.

Claims 17-19 have been added.

The Examiner has indicated that Claims 2 and 12 are allowable if rewritten in independent form with all the limitations of their base claim and any intervening claims. Claim 17 is Claim 2 written as such, and Claim 18 is Claim 12 written as such. Claims 7-9 now depend from Claim 17 and Claims 15 and 16 now depend from Claim 17.

The Examiner has rejected Claims 1, 3-6, 10-11, 13 and 14 as being anticipated by Lemaire. In view of the amendments to the claims, applicants respectfully traverse this rejection.

In regard to Claim 4, now rewritten as Claim 1, the Examiner cites column 6, lines 30-40 of Lemaire as teaching the limitation of accessing a token bucket value for the first dataflow and subtracting the data unit length from the token bucket value. Referring to column 6, lines 30-40, Lemaire teaches each token bucket is initially empty at a time zero. Tokens are added to a token counter at specific intervals of time to indicate a rate limit for

frames that can be scheduled through the token bucket. A token count reflects a credit for how many bytes can be sent through the bucket without violating a specified rate limit. The bucket has a maximum depth which reflects buffering available for the bucket and also governs the first level of traffic scheduled through the bucket. The token count never exceeds the bucket depth. It is respectfully submitted that the limitation found in amended Claim 1 is distinct and different from the teachings of Lemaire that the Examiner relies upon to arrive at amended Claim 1. There is no teaching or suggestion of the limitation of "accessing a token bucket value for the first dataflow and subtracting the data unit length from the token bucket value". This is a different approach from that taught by Lemaire. Accordingly, amended Claim 1 is now patentable over Lemaire.
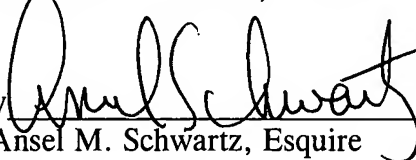
In regard to Claim 5, now written as new Claim 19, there is the limitation of accessing one of the first plurality of actions from an action table. Lemaire does not teach or suggest an action table. The Examiner refers to column 5, line 5 of Lemaire for support regarding Lemaire teaching this limitation. Referring to column 5, line 5, Lemaire teaches a designator for excess action to be taken on non-conforming frames. There is no reference to an action table at this location or anywhere in Lemaire. To go even further, in regard to Claim 6, the Examiner cites column 1, lines 60-65 for the teaching of its limitation. However, column 1, lines 60-65 simply refers to the token count. There is also no teaching or suggestion of an action table. Accordingly, Claim 19 is patentable over Lemaire. Claim 13,

now written as Claim 11, is patentable for the same reason. Claim 6 is dependent to Claim 19 and Claim 14 is dependent to Claim 11.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1, 6, 7-11 and 14-19, now in this application be allowed.

Respectfully submitted,

ANDREW V. HOAR, ET AL.

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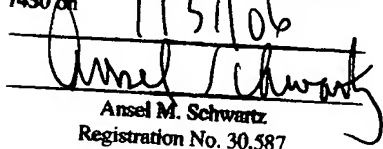Ansel M. Schwartz, Esquire
Reg. No. 30,587
One Sterling Plaza
201 N. Craig Street
Suite 304
Pittsburgh, PA 15213
(412) 621-9222

Attorney for Applicants